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Verification in all its aspects, including the role of the United Nations in the field of verification

Report of the Secretary-General

Addendum**

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* A/63/150 and Corr.1.

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II. Replies received from Governments

Sweden

[Original: English]
[23 July 2008]

Sweden was honoured to participate in the work of the Panel of Government Experts and believes that in spite of a sometimes acrimonious debate around basic concepts, such as the role and importance of multilateral United Nations institutions and multilateral disarmament treaty-making, a useful consensus report on the various aspects of verification was achieved. Although intentionally not exhaustive, it gives an up-to-date account of most current aspects of international verification, of the new political and technological challenges but also of the new means to meet those challenges. The background material provided to the Panel constitutes a very important source of information on the present state of international, regional and bilateral verification activities and on expected trends.

Sweden wishes to make the following specific comments.

Paragraphs 13 and 14 of the report of the Panel (A/61/1028) summarize the key factors involved in international verification and compliance with State obligations. Multilateral, treaty-bound rules are the priority goal, whereas national means of verification may serve as a useful and desirable backup, provided their credentials are impeccable.

In the Panel, Sweden particularly stressed the need to modernize and operationalize the Secretary-General's mechanism to investigate the alleged use of chemical or biological weapons and welcomes the fact that this matter is reflected in paragraph 60 and recommendations 16 to 18 of the report.

In the context of the Secretary-General's mechanism, Sweden wishes to stress the importance of utilizing fully the experience the United Nations gained from operations such as the United Nations Special Commission and the United Nations Monitoring, Verification and Inspection Commission. Records and contacts with personnel from such operations should be maintained as far as possible (cf. paras. 47 and 48).

The report refers to the work carried out in pursuance of Security Council resolution 1540 (2004). Although not a verification mechanism properly speaking, the supervision carried out under that resolution pursues the very important practical objective of making States aware of and capable of carrying out the verification obligations they have accepted in adhering to various disarmament and arms control agreements. It makes evident the immediate link between international treaty obligations and, sometimes partially ignored and complex, national implementation practice which should receive due attention by States and relevant agencies.

The matters of controlling the illicit transfer of conventional arms and of the role of civil society in assisting verification and compliance were dealt with in a somewhat summary fashion by the Panel (cf. paras. 32-34 and recommendations 6, 7 and 9) and should, in Sweden's view, be given further attention by relevant bodies.

Recommendation 5 relating to possible responses to withdrawal from treaties would, likewise, seem worthy of further consideration. The most important

recommendation of the Panel's report may well be its final one, which relates to the follow-up. States and relevant organizations such as the Organization for the Prohibition of Chemical Weapons, the International Atomic Energy Agency, the Comprehensive Nuclear-Test-Ban Treaty Organization and the Office for Disarmament Affairs should, in Sweden's view, make a dedicated effort to ensure that the recommendations of the Panel be given special attention in meeting the new challenges that they will be confronting in their verification mandate.

Sweden, finally, believes it desirable that the matter of verification in all its aspects, including the role of the United Nations, should become the object of another expert study in three to five years. In the meantime, the findings of the present study should be given careful attention.

Sweden looks forward to the continued general discussion of verification matters within the framework of the United Nations.

III. Replies received from international treaty organizations

Organization for the Prohibition of Chemical Weapons

[Original: English]
[25 August 2008]

The Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) has reviewed the report of the Panel of Government Experts on verification in all its aspects, including the role of the United Nations in the field of verification (A/61/1028), and submits its views hereunder.

The Technical Secretariat appreciates the acknowledgement in the report of its contribution to the Panel's deliberations through the participation of Horst Reeps, Director of the Verification Division of the Technical Secretariat, in its work.

The Technical Secretariat considers the report as an advancement of the previous work done by the United Nations in this area. The report comprehensively covers all aspects of verification and identifies and analyses a variety of models and practices in the field.

As far as OPCW is concerned, its regime of chemical disarmament and non-proliferation is based on what the report describes in paragraph 13 as "multilateral treaty-bound verification". Verification activities of OPCW are, therefore, based on the provisions of the Chemical Weapons Convention and overseen by the policymaking organs of the Organization.

Three types of inspections are foreseen under the Convention: (a) routine inspections; (b) challenge inspections; and (c) investigations of alleged use.

Routine inspections are conducted at declared chemical weapons storage, production and destruction facilities as well as at declared industrial facilities that produce, process or consume chemicals listed in the schedules attached to the Convention, or that produce unscheduled discrete organic chemicals in quantities above the specified thresholds. These inspections are designed to verify the accuracy of information declared by States parties in their initial and annual

declarations, and that the activities of the State parties are in accordance with the Convention.

Challenge inspections are also provided for under article IX of the Convention, which grants each State party the right to request the Director-General to undertake at short notice an inspection on the territory of any State party, or at any location under the jurisdiction or control of any other State Party, in order to clarify and resolve any questions about possible non-compliance.

OPCW regularly conducts exercises in collaboration with individual member States to keep itself in readiness for the conduct of challenge inspections.

Pursuant to article X of the Chemical Weapons Convention, an investigation of alleged use can be conducted by OPCW to confirm the use of chemical weapons and to assess the need for assistance requested by a State party. The mechanism under article X of the Convention can also be triggered in case of serious threat of use of chemical weapons.

With regard to procedures for investigation of alleged use of chemical weapons, OPCW entered into a relationship agreement with the United Nations, which was approved by the General Assembly in resolution 55/283 of 7 September 2001. The agreement, inter alia, provides that OPCW shall, in accordance with paragraph 27 of part XI of the verification annex to the Chemical Weapons Convention, closely cooperate with the Secretary-General in cases of the alleged use of chemical weapons involving a State not party to the Convention or in a territory not controlled by a State party to the Convention and, if so requested, shall in such cases place its resources at the disposal of the Secretary-General.

In this context, representatives of the Technical Secretariat participated and actively contributed to the expert meeting on updating United Nations procedures for investigations of alleged use of chemical or biological weapons.

As mentioned above, the Chemical Weapons Convention and its verification annex mandate the Technical Secretariat to verify not only the destruction of chemical weapons stockpiles and chemical weapons production facilities, but also that scheduled chemicals are used solely for permitted purposes.

States members of OPCW are required to submit initial and annual declarations detailing, as appropriate, (a) whether they own or possess any chemical weapons, or whether there are any chemical weapons located in any place under their jurisdiction or control (including specifications as to precise location, aggregate quantity and detailed inventory); (b) any chemical weapons on their territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State; (c) the presence of any old and/or abandoned chemical weapons on their territory, or which they have abandoned on the territory of another State; (d) the presence on territories under their jurisdiction of chemical weapons production facilities; (e) any activities undertaken with regard to the destruction of chemical weapons or the destruction or conversion of chemical weapons production facilities; (f) past and anticipated production, processing and consumption of scheduled chemicals; (g) production sites of discrete organic chemicals; and (h) the export and import of scheduled chemicals by chemical industry.

With regard to paragraphs 19, 47 and 48 of the report, it may be mentioned that in the case of the Chemical Weapons Convention regime, it is the declarations by States parties that constitute the basis for the verification activities of OPCW.

The accuracy and completeness of those declarations is important for the successful operation of the verification regime. However, in the course of the normal functioning of this regime, omissions, anomalies and inaccuracies may be encountered. In some instances, declarable facilities may get omitted from national declarations. In such cases, the Chemical Weapons Convention and the practice at OPCW over the years provide built-in procedures for clarification in case of errors or discrepancies in declarations, which are sought to be resolved through consultations.

In terms of data processing and data management, OPCW has developed its own system for data handling. However, data provided by member States include specific State-party information and cannot include data from other sources. Data provided by States parties have to be handled according to the confidentiality regime to protect the commercial, proprietary and national security interests of member States.

During all OPCW verification activities — the receipt and processing of declarations and destruction/conversion plans, on-site inspections and monitoring of stringent compliance with the Chemical Weapons Convention — confidentiality is strictly maintained. The Technical Secretariat safeguards all official information in its possession in accordance with strict security regulations. Classified information submitted by States parties, as well as classified documents generated by the Technical Secretariat in relation to the implementation of the verification regime, are handled electronically on a security critical network, to which access is highly restricted.

The chemical industry is an important partner in realizing the goals of the Convention, and particularly of the verification system. The Convention ensures a balance in the inspection process, and this is one of the crucial factors that make the treaty practical, workable and effective. Key provisions in the Convention take into account industry concerns in the areas of protecting confidential information and in the conduct of inspections. Inspections are carried out in the least intrusive manner possible, according to specific guidelines for access to relevant information and facilities and time limitations, with as little disruption as possible to normal plant site activities.

OPCW enjoys very productive cooperation with the chemical industry worldwide and has created a mutually beneficial partnership which is essential in promoting the full implementation of the Convention's provisions, in particular as regards the non-proliferation regime.

At the same time, OPCW maintains continued dialogue and interaction with civil society, as well as with the scientific and academic community involved in areas that are of relevance to the implementation of the Convention and whose contribution is essential to its success.

The Chemical Weapons Convention entered into force on 29 April 1997. On that same date, OPCW began operations in The Hague, where it has its headquarters. In its first 11 years of implementation by OPCW, the verification regime set forth under the Convention has proved effective in contributing to the

elimination of all declared chemical weapons and discouraging the manufacture of new ones.

As at 31 May 2008, OPCW inspectors had carried out 3,344 inspections at 1,258 military and industrial sites in 81 countries for a total of 177,633 inspector days, confirming the fact that such verification activities have the support of all States parties. Over 40 per cent of the global stockpile of chemical weapons declared by six States parties has so far been verifiably eliminated and two possessor States (Albania and a State party) have completed destruction of their stockpiles under OPCW verification. All 64 chemical weapons production facilities declared by 12 States parties have been inactivated and 94 per cent of them have either been destroyed or converted. Of the remaining four facilities, three will be converted and one destroyed.

The Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, held in The Hague from 7 to 18 April 2008, "noted with satisfaction that the OPCW has established an effective verification system with a view to achieving the non-proliferation and confidence building aims of the Convention" (OPCW, document RC-2/4, para. 9.5).

In his opening statement at the Second Special Session, the Director-General of OPCW underlined the fact that the operation of the Convention's verification regime represented the fulfilment of a major objective of the Convention in terms of establishing an efficient verification system which, through its adaptation over time, would continue in the long term to serve its disarmament and non-proliferation objectives (OPCW, document REC-2/DG.2, para. 22).

He further noted that, overall, "the degree of multilateral cooperation and international solidarity in the field of chemical disarmament has surpassed initial expectations and has considerably strengthened the Chemical Weapons Convention as a multilateral disarmament treaty" (ibid., para. 24).